K 1952.

B. Displaced Pe[redacted]
File No. Premises/5[redacted]

Legal Dept.

B **BRANCH**

Subject:— L. A. Bill (No. XIV of 1952

The Bombay Displaced Persons Premises

Control and Regulation Bill 1952

Bom Act (No. XXXI of 1952

R24
E

File No. B. Displaced Persons Premises/52

Gen. 194 e.

Office of the R.L.A.

A requisite draft Bill is sent herewith.

2. The subject matter of the Bill falls under entries 18 and 35 in List II and entry 6 in the List III in the Seventh Schedule to the Constitution..The Bill does not require any sanction or recommendation. Before the proposed legislation is undertaken the administrative approval of the Government of India will have, however, to be obtained, as the subject matter also falls in the Concurrent Legislative List. After the Bill is passed , it will have to be reserved for the consideration of the President with reference to article 254(2).

Sd/- J.R.Dhurandhar

o.c. 22/8

Remembrancer of Legal Affairs.

U.R. to R.H.D. No. 45-L, dated the 23rd August 1951.

Legal Department.

In clause 4(1), 5(1) and5(2) of the draft Bill at pages 93 to 97 ante for the words "by notice served by post or otherwise," the following may be substituted, namely:-

"by notice served (i) by post, or (ii) by affixing a copy of it on the out door or some other conspicuous part of such premises, or (iii) in such manner as may be prescribed."

2. The other manner in which notices can be served may then the prescribed under clause 10(2)(a).

3. Rehabilitation Department may now send the papers to this Department for publication of the Bill as revised in the Gazette, with 20 printed copies and after obtaining the signature of Honourable Minister below the Statement of Objects and Reasons in one of the copies. Before the Bill is printed the Press may be asemd to show the proof ot this Department.

Sd/- J.R.Dhurandhar

O.C. 14/5

Additional Secretary to Government.

Confl, dated 14th May 1952.

Legal Department.

With reference to the amendment of L.A. Bill No XIV of 1952 (Displaced Persons Premises Controlmand Regulation Bill) proposed to be moved by Shri B.K. Dalvi, M.L.A., it may be pointed out that important orders and rules will be made under the Act. ~~Fro~~ For exemple, under clause 4(1) the competent authority will order any person who is in arrears of rent etc. to vacate the premises. Under clause 5(1) , a person who is in arrears of rent will be ordered to pay the same within a specified time. Under clause 5(2), when any person is in unauthorised occupation he will be ordered to pay damages. Under section 10(2)(b), rules will be made prescribing the procedure to be followed in taking possession of displaced persons' premises. These are important matters and it is necessary that a penalty should be provided for contravention of such orders and rules so that in suitable cases cirminal action may be taken against the person concerned. For every breach of a rule or order, there will not be ~~evactopm pr recpvery~~ eviction or recovery as an arrear of land revenue. It will be necessary to provide penalty for such breaches.

There is a similar provision in section 9 in the Gobernment Premises (Eviction) Act, 1950 (XXVII of 1950) on which this Bill is based.

The amendment may therefore be opposed.

Sd/- J.R.Dhurandhar
5/7

o.c.

Additional Secretary to Government.

Minister (Rehabilitation.

Mjr/4/7

4 Cs.

No. 16541/B
Legal Department.
Bombay Castle (Bombay No. 1,) 8th October 1952

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay,

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Displaced Persons Premises Control and Regulation Bill, 1952.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to the Governor the authentic copy of the Bombay Displaced Persons Premises and Regulation Bill, 1952, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th July 1952 and the 20th August 1952, respectively.

2. The subject-matter of the Bill falls under entries 18, 35, 64 and 65 in List II and entries 6-7, 24 and 27 in List III in the Seventh Schedule to the Constitution of India, The provisions of the Bill as a whole are repugnant to the provisions of the Bombay Refugees Act, 1948, which is an existing law relating to a matter enumerated in entry 27 in the Concurrent Legislative List. Moreover, clause 6 of the Bill is repugnant to the provisions of the Payment of Wages Act, 1936, which is an existing law relating to a matter enumerated in entry 24 in the Concurrent Legislative List. It is, therefore, necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. I also forward herewith six copies of each of the items

	Nos.
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	1 and
2. Bill as read for the third time and passed by the Bombay Legislative Council.	2 and
3. Extracts from the proceedings of the Bombay legislative Assembly, dated the 18th, 19th 23rd and 26th July 1952 and of the Bombay Legislative Council, dated the 16thm 19th and 20th August 1952.	two copies of

item

No. 3...

No. 3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/- J.R.Dhurandhar

o.c. 8/10

Additional Secretary to Government.

Copy forwarded with compliments to the Secretary to the Government of Bombay, Rehabilitation Department.

Mjr/4/7

5 Cs.

No. GS 3274

Governor&s Secretary's Office
Bombay, 6
October21, 1952

From
Shri S.B.Kulkarni,IAS.,
Secretary to the Governor.

To
The Secretary to the Bombay Legislature
Department, Council Hall, Bombay 1.

Subject:- The Bombay Displaced Persons Premises Control and Regulation Bill, 1952.

Sir,

Referring to the Bombay Displaced Persons Premises Control and Regulation Bill, 1952, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on July 26, 1952 and August 20. 1952, respectively, I am directed to state, for the information of the Speaker and the Chairman that as the provisions of the Bill as a whole are repugnant to the provisions of the Bombay Refugees Act, 1948, which is an existing law relating to a matter enumerated in entry 27 in the concurrent Legislative List and as clause 6 of the Bill is repugnant to the provisions of the payment of Wages Act,1936, which is an existing law relating to a matter enumerated in entry 24 in the Con.-current Legislative List, it is necessary to reserve the Bill for the consideration of the President -vide article 254(2) of the Constitution of India. The Governor has accordingly been pleased under article 200, of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,
Sd/- T.H.Barkar,
for Secretary to the Governor.

No. GS3275 Governor's Secretary's Officer,
Oct. 21, 1952
Bombay 6

Copy forwarded with compliments for infromation to the Additional Secretary to Government, Legal Department, with reference to his letter No. 16541/B dated October 8, 1952.

Sd/-
ofr Secretary to the Governor

Mjr/4/7

4 Cs.

No. GS 3695

From

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department, Bombay 1.

Subject:- The Bombay Displaced Persons Premises control and Regulation Bill, 1952.

Raj Bhavan,
Bombay November 29, 1952

Sir,

With reference to the correspondence ending with this office letter No. GS-5667 dated November 25, 1952, on the above mentioned subject, I am directed to forward herewith the authentic copy of the Bombay Displaced Persons Premises Control and Regulation Bill, 1952, with the President's assent signified thereon.

Yours faithfully,

Sd/-

FOR Secretary to the Governor.

Mjr/4/7

4 Cs.

Publication of the Bombay Displaced Persons Premises Control and Regulation Act, 1952.

GOVERNMENT OF BOMBAY
Legal Department
Resolution No.19839 B
Bombay Castle, 27th November 1952.

Letter to the Secretary to the Governor, No.16541/B, dated the 8th October 1952.

Letter from the Secretary to the Governor, No G.S. 5667, dated the 26th November 1952.

"In continuation of this office endorsement No.GS3278 dated October 21, 1952, on the above mentioned subject, I am directed to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Displaced Persons Premises Control and Regulation Bill, 1952, on November 21, 1952."

RESOLUTION:- Thelaw should be published as Bombay Act No. XXXI of 1952 in the Bombay Government Gazette dated the 27th November 1952.

2. The Act shouldbe translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations shouldbe published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Rehabilitation Department.

By order and in the name of the Governor of Bombay,

Sd/- S.W. Dhurandhar,
26-11-52
S.W.DHURANDHAR,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy ofthe Act and with a request that 30 Gazette copies of the Act may be forrwarded to the Legal Department and 10 copies to the Rehabilitation Department),
The Rehabilitation Department,)
* The Examiner of Books and Publications,) with a copy
The Bombay Legislature Department,) of the Act.
The Director of Publicity , Bombay,)
The Liaison Officer for the Secretariat,)
Bombay,

* With four extra copies of the Act.

1/4/7
4 Cs.

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 28TH MAY 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XIV OF 1952.

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person authorised by the State Government, by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India;

(*c*) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons;

(*d*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*e*) "prescribed" means prescribed by rules made under this Act.

Declaration of displaced persons premises.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue. Power to recover rent or damages as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

6. (*1*) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within ten days of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government: Appeal.

Provided that the State Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

7. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder. Protection of action taken in good faith.

8. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government. Delegation.

9. Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees. Penalty.

Power to make rules.

10. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form of notice and the other manner in which it may be served ;

(*b*) the procedure to be followed in taking possession of displaced persons' premises ;

(*c*) the manner in which damages for unauthorised occupation may be assessed ;

(*d*) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(*e*) any other matter which has to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS.

Government has constructed nearly 12,000 tenements for housing displaced persons in various colonies and townships at an estimated cost of about Rs. 4 crores. Most of these tenements have been allotted to displaced persons on rental basis. Recovery of rent in respect of these tenements has not been satisfactory and the arrears of rent to the extent of Rs. 40 lakhs have accumulated. The housing programme of the displaced persons is financed from the loans advanced by the Government of India and if rents are not recovered regularly, there will be difficulties in the repayment of these loans. At present the officers concerned do not have effective powers to recover rents speedily. The ordinary procedure of filing suits in civil courts will cause delay and is not likely to be helpful in speedy recovery of arrears of rent. It is, therefore, necessary to give effective powers to competent officers of Government to recover rents and for evicting displaced persons.

Another problem in the various colonies and townships is that of unauthorised occupation of Government tenements. It is, therefore, proposed to give powers to the competent officers to evict unauthorised persons from Government tenements.

Dated the 27th May 1952. (Signed) G. D. TAPASE.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 28th May 1952.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIV OF 1952.

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

Mo-v Bk Hb 166—1

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person authorised by the State Government, by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India;

(*c*) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons;

(*d*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*e*) "prescribed" means prescribed by rules made under this Act.

Declaration of displaced persons premises.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(3) If a person who has been ordered to vacate any premises under sub-section (1) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to recover rent or damages as arrears of land revenue.

5. (1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

Rent to be recovered from deductions from salary or wages in certain cases.

6. (1) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(2) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

Appeal.

7. (1) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation.

9. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

10. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Power to make rules.

11. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of notice and the other manner in which it may be served;

(b) the procedure to be followed in taking possession of displaced persons premises;

(c) the manner in which damages for unauthorised occupation may be assessed;

(d) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(e) any other matter which has to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS.

Government has constructed nearly 12,000 tenements for housing displaced persons in various colonies and townships at an estimated cost of about Rs. 4 crores. Most of these tenements have been allotted to displaced persons on rental basis. Recovery of rent in respect of these tenements has not been satisfactory and the arrears of rent to the extent of Rs. 40 lakhs have accumulated. The housing programme of the displaced persons is financed from the loans advanced by the Government of India and if rents are not recovered regularly, there will be difficulties in the repayment of these loans. At present the officers concerned do not have effective powers to recover rents speedily. The ordinary procedure of filing suits in civil courts will cause delay and is not likely to be helpful in speedy recovery of arrears of rent. It is, therefore, necessary to give effective powers to competent officers of Government to recover rents and for evicting displaced persons.

Another problem in the various colonies and townships is that of unauthorised occupation of Government tenements. It is, therefore, proposed to give powers to the competent officers to evict unauthorised persons from Government tenements.

Dated the 27th May 1952.

G. D. TAPASE.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIV OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

[Shri G. D. TAPASE, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XIV OF 1952.

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

(As read for the third time and passed by the Legislative Council on the 20th August 1952.)

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

MO-V Bk Hb 205—1

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any person authorised by the State Government, by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India;

(*c*) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons;

(*d*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*e*) "prescribed" means prescribed by rules made under this Act.

Declaration of displaced persons premises.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(3) If a person who has been ordered to vacate any premises under sub-section (1) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (2), cancel its order made under sub-section (1) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to recover rent or damages as arrears of land revenue.

5. (1) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(2) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

Rent to be recovered from deductions from salary or wages in certain cases.

6. (1) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(2) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

Appeal.

7. (1) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation.

9. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

10. Any person who obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Power to make rules.

11. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the form of notice and the other manner in which it may be served ;

(b) the procedure to be followed in taking possession of displaced persons premises ;

(c) the manner in which damages for unauthorised occupation may be assessed ;

(d) the manner in which appeals may be preferred and the procedure to be followed in appeals ;

(e) any other matter which has to be or may be prescribed.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XIV OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

(As read for the third time and passed by the Legislative Council on the 20th August 1952.)

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

[Shri G. D. Tapase, M.L.A.]

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Bombay Legislature having been assented to by the President on the 21st November 1952 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXI OF 1952.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 27th November 1952.)

An Act to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1952. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "competent authority" means any person authorised by the State Government, by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act for such area as may be specified in the notification ;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India;

(*c*) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons;

(*d*) "premises" means any building or part of a building and includes—

(*i*) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(*ii*) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(*e*) "prescribed" means prescribed by rules made under this Act.

Declaration of displaced persons premises.

3. The State Government may, by notification in the *Official Gazette*, specify any premises allotted before or after the commencement of this Act for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final.

Power to evict.

4. (*1*) If the competent authority is satisfied—

(*a*) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,—

(*i*) not paid rent lawfully due from him in respect of such premises for a period of more than two months, or

(*ii*) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, expressed or implied, under which he is authorised to occupy such premises, or

(*b*) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within one month of the date of the service of the notice.

(*2*) If any person refuses or fails to comply with an order made under sub-section (*1*), the competent authority may evict that person from, and take possession of, the premises, and may for that purpose use such force as may be necessary.

(*3*) If a person who has been ordered to vacate any premises under sub-section (*1*) within one month of the date of the service of the notice or such longer time as the competent authority may allow, pays to the said competent authority the rent in arrears or carries out or otherwise complies with the terms contravened by him to the satisfaction of the said competent authority, as the case may be, the said competent authority shall, in lieu of evicting such person under sub-section (*2*), cancel its order made under sub-section (*1*) and thereupon such person shall hold the premises on the same terms on which he held them immediately before such notice was served on him.

Power to recover rent or damages as arrears of land

5. (*1*) Subject to any rules made by the State Government in this behalf and without prejudice to the provisions of section 4, where any person is in arrears of rent payable in respect of any displaced persons premises, the competent authority may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the same within such time not less than ten days as may be specified in the notice. If such person refuses or fails to pay the arrears of rent within the time specified in the notice, such arrears may be recovered as arrears of land revenue.

(*2*) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit and may, by notice served (*i*) by post, or (*ii*) by affixing a copy of it on the outer door or some other conspicuous part of such premises, or (*iii*) in such other manner as may be prescribed, order that person to pay the damages within such time as may be specified in the notice. If such person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

Rent to be recovered from deductions from salary or wages in certain cases.

6. (*1*) Without prejudice to the provisions of section 4, a displaced person who is an employee of the State Government or a local authority and who has been allotted displaced persons' premises by the State Government, may execute an agreement in favour of the State Government providing that the State Government or the local authority, as the case may be, under or by whom he is employed, shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent due by him in respect of the displaced persons' premises allotted to him.

(*2*) On the execution of such agreement, the State Government or a local authority, as the case may be, shall, if so required by the competent authority by requisition in writing, make the deduction of the amount specified in the requisition from the salary or wages of the employee specified in the requisition in accordance with the agreement and pay the amount so deducted to the competent authority.

Appeal.

7. (*1*) Any person aggrieved by an order of the competent authority under section 4 or section 5 may, within one month of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government:

Provided that the State Government may entertain the appeal after the expiry of the said period of one month, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

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(*3*) Where an appeal is preferred under sub-section (*1*), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith.

8. No suit, prosecution or other legal proceeding shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation.

9. The State Government may, by notification in the *Official Gazette*, direct that any power exercisable by it under this Act, shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty.

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